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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

CHARLES TYRONE CASON,

Plaintiff,

v.

SOUTHERN DESERT CORRECTIONAL
CENTER, *et al.*,

Defendants.

Case No. 2:18-cv-01419-JAD-NJK

ORDER

On July 30, 2018, Plaintiff Charles Tyrone Cason, who is in the custody of the Nevada Department of Corrections, filed a *pro se* civil rights complaint pursuant to 42 U.S.C. § 1983. Docket Nos. 1-1. Plaintiff has submitted an application to proceed *in forma pauperis*. Docket No. 1. Based on the financial information provided, the Court finds that Plaintiff is unable to prepay the full filing fee in this matter.

The Court imposed a 90-day stay on July 1, 2019, in order for the parties to engage in the Inmate Early Mediation Program that pertains to cases in which the Office of the Nevada Attorney General represents defendants. Docket No. 3 at 7. The Court subsequently issued an order setting a mediation conference. Docket No. 6. However, because the Attorney General has notified the Court that it cannot represent the defendant in this action, Docket No. 5, the Court vacates the order setting a mediation conference. The Court therefore will lift the stay so the action may proceed.

For the foregoing reasons, **IT IS ORDERED** that:

1. The order setting an Inmate Early Mediation Conference, Docket No. 6, is vacated.

1 2. Plaintiff's application to proceed *in forma pauperis*, Docket No. 1, is **GRANTED**.
2 Plaintiff is not required to pay an initial installment of the filing fee. In the event that this action
3 is dismissed, the full filing fee must still be paid pursuant to 28 U.S.C. § 1915(b)(2).

4 3. Plaintiff is permitted to maintain this action to conclusion without the necessity of
5 prepayment of any additional fees or costs or the giving of security therefor. This order granting
6 leave to proceed *in forma pauperis* does not extend to the issuance and/or service of subpoenas at
7 government expense.

8 4. Pursuant to 28 U.S.C. § 1915(b)(2), the Nevada Department of Corrections shall
9 pay to the Clerk of the United States District Court, District of Nevada, 20% of the preceding
10 month's deposits to Plaintiff's account (**Charles Tyrone Cason, # 86325**), in the months that the
11 account exceeds \$10.00, until the full \$350.00 filing fee has been paid for this action. The Clerk
12 of the Court shall **SEND** a copy of this order to the Finance Division of the Clerk's Office. The
13 Clerk of the Court shall also **SEND** a copy of this order to the attention of the Chief of Inmate
14 Services for the Nevada Department of Corrections, P.O. Box 7011, Carson City, NV 89702.

15 5. Pursuant to the Court's screening order, Docket No. 3, this action will proceed on
16 Count II against Defendant Worthey.

17 6. The Clerk of Court is INSTRUCTED to issue a summons for Defendant Worthey
18 and deliver it to the U.S. Marshal for service. The Clerk is further INSTRUCTED to send Plaintiff
19 one USM-285 form, as well as a copy of the operative complaint, Docket No. 4, and a copy of this
20 order to the U.S. Marshal for service on the Defendant. No later than **August 21, 2019**, Plaintiff
21 must furnish to the U.S. Marshal the required USM-285 form with relevant information as to
22 Defendant. Within twenty days after receiving from the U.S. Marshal a copy of the USM-285
23 forms showing whether service has been accomplished, Plaintiff must file a notice with the Court
24 identifying whether Defendant was served. If Defendant remains unserved and Plaintiff wishes to
25 have service again attempted on him, then a motion must be filed with the Court specifying a more
26 detailed name and/or address for Defendant, or whether some other manner of service should be
27 attempted.

7. Henceforth, Plaintiff shall serve upon Defendant or, if appearance has been entered by counsel, upon the attorney, a copy of every pleading, motion or other document submitted for consideration by the Court. Plaintiff shall include with the original paper submitted for filing a certificate stating the date that a true and correct copy of the document was mailed to Defendant or counsel for Defendant. The Court may disregard any paper received by a district judge or magistrate judge which has not been filed with the clerk, and any paper received by a district judge, magistrate judge or the clerk which fails to include a certificate of service.

8. This case is no longer stayed.

DATED: July 22, 2019.

NANCY J. KOPPE
UNITED STATES MAGISTRATE JUDGE